

CITY BOARD OF ZONING APPEAL #2371

DATE: August 19, 2004

DATE SCHEDULED FOR PUBLIC HEARING: August 27, 2004

LOCATION: Generally located west of S. 28th Street and north of Washington Street.

ADDRESS: 1439 S. 28th Street.

LEGAL DESCRIPTION: East 12.5' and south 60' of Lot 17 and the south 60' of Lot 18, Block 3, Zehrung and Ames Addition.

APPLICANT: Chad Johnson
1439 S. 28th Street
Lincoln, NE
(402)474-0857
(402)540-2995

LOT AREA: 3,720 square feet, more or less.

ZONING: R-2, Residential

EXISTING LAND USE: Single family residential.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|---------------|----------|
| North: | Single family | R-2, R-6 |
| South: | Single family | R-1 |
| East: | Single family | R-1 |
| West: | Single family | R-1 |

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.17.080(a), L.M.C. requires a side yard setback of 5 feet. A variance from 5 feet to 4 feet is requested.

Section 27.17.080(a), L.M.C. requires a rear yard setback of 12.5 feet. A variance from 12.5 feet to 5.42 feet is requested.

STAFF FINDINGS:

1. This is a request to add on to an existing single family residence into the required side and rear yards. The applicant indicated that they would like to build a 30'4" x 14'6" garage/storage with second floor bedroom and sunroom addition. The applicant indicated the request is due to the age of the house and the location and placement of the house on the lot. The applicant stated that the existing house does not comply with setbacks.

2. The house is a two story house with a carport. Most other houses in the neighborhood have enclosed garages. The orientation of the house is such that the portion of the lot that is used as a “rear yard” is along Washington Street.
3. This lot is substantially smaller than other lots in the neighborhood. Most of the lots in the neighborhood have a buildable area equal to or greater than the size of this entire lot.
4. Most of the lots in the neighborhood take access to an alley, however this double frontage lot does not have access to the alley and must take access from either Washington or S. 28th Streets.
5. The Board of Zoning Appeals is empowered to grant variances “to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.”
6. If this appeal were not granted, the owners could not build anywhere else on the lot.

Prepared by

Becky Horner, 441-6373, rhorer@ci.lincoln.ne.us
Planner



2002 aerial

Board of Zoning Appeals #2371 1439 S. 28th St.

Zoning:

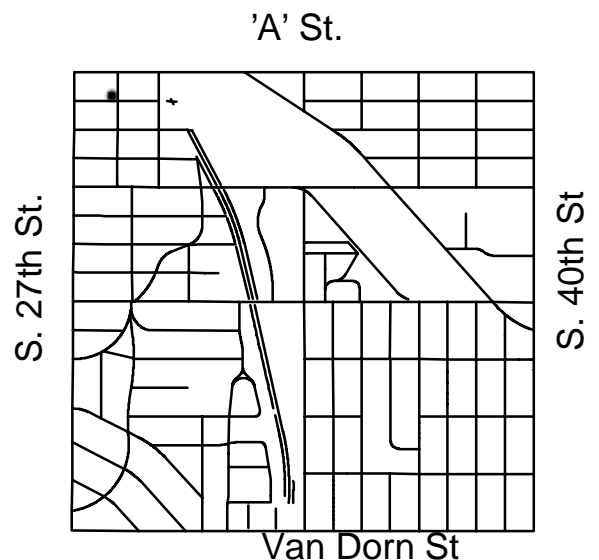
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 31T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.